

4457  
1 BILL NO. G-79-05- 09

2 GENERAL ORDINANCE NO. G-

19-80

3 AN ORDINANCE amending General Ordinance  
4 No. G-97 by authorizing the vacation of  
a portion of Gay Street.

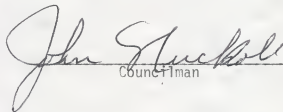
5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
6 INDIANA:

7 SECTION 1. Petition for the vacation of a certain street having  
8 been filed with the Fort Wayne City Plan Commission in accordance with  
9 Section 44, Chapter 174, of the Acts of the General Assembly of the State  
10 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of  
11 the General Assembly of the State of Indiana (I.C. 19-7-5-46), the  
12 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by  
13 the Common Council of the City of Fort Wayne on November 26, 1963, is  
14 amended by deleting the following street, to wit:

15  
16 Gay Street from the Northerly right-of-way of Wallace  
17 Street to the Penn Central Railroad.

18 SECTION 2. After passage of this Ordinance, approval by the  
19 Mayor and legal publication, a duly certified copy of this Ordinance, of  
20 the recommendation of the Fort Wayne City Plan Commission, and of the  
21 action of the Mayor, shall be transmitted by the City Clerk to the Board  
22 of Public Works of the City of Fort Wayne, Indiana.

23 SECTION 3. That this Ordinance shall be in full force and effect  
24 from and after its passage, approval by the Mayor and legal publication  
25 thereof.

26  
27   
28 Councilman

29  
30  
31 APPROVED AS TO  
FORM & LEGALITY

32   
William N. Salin, City Attorney

COPY

BILL NO. G-79-25-09

GENERAL ORDINANCE NO. G-

19-80

AN ORDINANCE amending General Ordinance  
No. G-97 by authorizing the vacation of  
a portion of Gay Street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANA:

SECTION 1. Petition for the vacation of a certain street having  
been filed with the Fort Wayne City Plan Commission in accordance with  
Section 44, Chapter 174, of the Acts of the General Assembly of the State  
of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of  
the General Assembly of the State of Indiana (I.C. 18-7-5-46), the  
Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by  
the Common Council of the City of Fort Wayne on November 26, 1963, is  
amended by deleting the following street, to wit:

Gay Street from the Northerly right-of-way of Wallace  
Street to the Penn Central Railroad.

SECTION 2. After passage of this Ordinance, approval by the  
Mayor and legal publication, a duly certified copy of this Ordinance, of  
the recommendation of the Fort Wayne City Plan Commission, and of the  
action of the Mayor, shall be transmitted by the City Clerk to the Board  
of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect  
from and after its passage, approval by the Mayor and legal publication  
thereof.

  
Councilman

APPROVED AS TO  
FORM & LEGALITY

  
William N. Solin, City Attorney

AUTHERENTIC OFFICE  
Only entered for vacation Subject  
to final acceptance for transfer

NOV -7 2014

2014054070

RECORDED: 11/10/2014 09:18:38 AM

ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

  
AUDITOR OF ALLEN COUNTY

N/C

Read the first time in full and on motion by \_\_\_\_\_,  
seconded by \_\_\_\_\_, and duly adopted, read the second time  
by title and referred to the Committee \_\_\_\_\_ (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by E. Schmitt,  
seconded by B. Tier, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 10-14-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-19-80  
on the 14th day of October, 19 80.

Charles W. Westerman ATTEST:  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
Vivian J. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 15th day of October, 19 80, at the hour of  
11:00 o'clock A M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 16th day of October  
19 80, at the hour of 9 o'clock A M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

Read the first time in full and on motion by Wustel, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 5-22-79

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>HINGA</u>	_____	_____	_____	_____	_____
<u>HUNTER</u>	_____	_____	_____	_____	_____
<u>MOSES</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

BILL NO. G-79-05-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending General Ordinance No. G-97 by authorizing  
the vacation of a portion of Gay Street

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

*[Handwritten signatures: Ben Eisbart, John Nuckols, Samuel J. Talarico, Donald J. Schmidt]*

*10-14-80*

CONCURRED IN

DATE            CHARLES W. WESTERMAN, CITY CLERK

107-162-20 7/10/80

RESOLUTION NO. 69-162-20

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION, has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

Gay Street from the Northerly right-of-way of Wallace Street to the Penn Central Railroad

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held September 10, 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 10<sup>th</sup> DAY OF September 19 80  
FORT WAYNE BOARD OF PUBLIC WORKS

Mark L. Akers  
Mark L. Akers, Chairman

Roberta Anderson-Staton  
Herbert R. Gamache, Member

Roberta Anderson-Staton, Member

RESOLUTION

WHEREAS, the FORT WAYNE REDEVELOPMENT COMMISSION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

Gay Street from the Northerly right-of-way Wallace  
Street to the Penn Central Railroad

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 18, 1979 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said public street in Allen County, Indiana.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

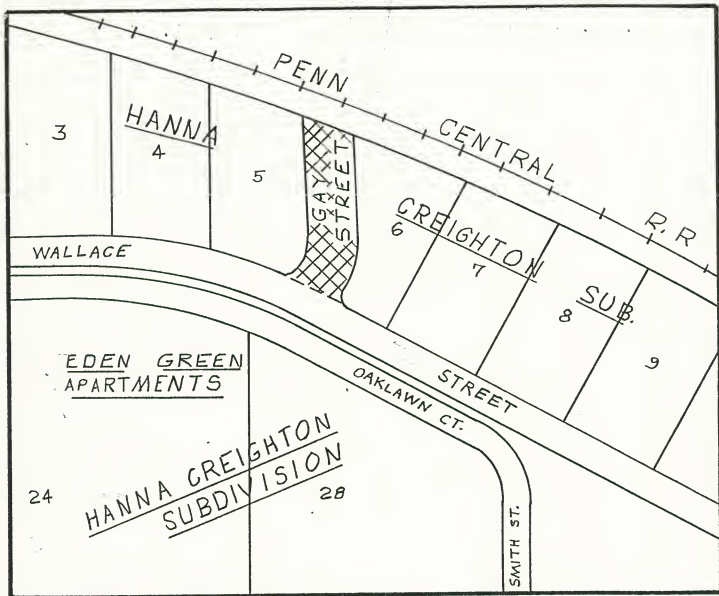
I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 25, 1980, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 8th DAY OF September 19 80

FORT WAYNE CITY PLAN COMMISSION

*Joyce Schlatter*

Joyce Schlatter  
Secretary



STREET TO BE VACATED

G-79-05-09







## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

8 September 1980

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held June 25, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-05-09
2. Intended Use: Vacated right-of-way will allow for the development of adjacent industrial lots.
3. Plan Commission Recommendation: DO PASS with condition.

CONDITION: An easement must be submitted and approved by I&M prior to submission of this vacation to City Council.

NOTE: The I&M easement has been submitted and a copy is attached to the original ordinance and on file in the Plan Commission Office.

If there are any questions with regard to this ordinance, please feel free to call on us.

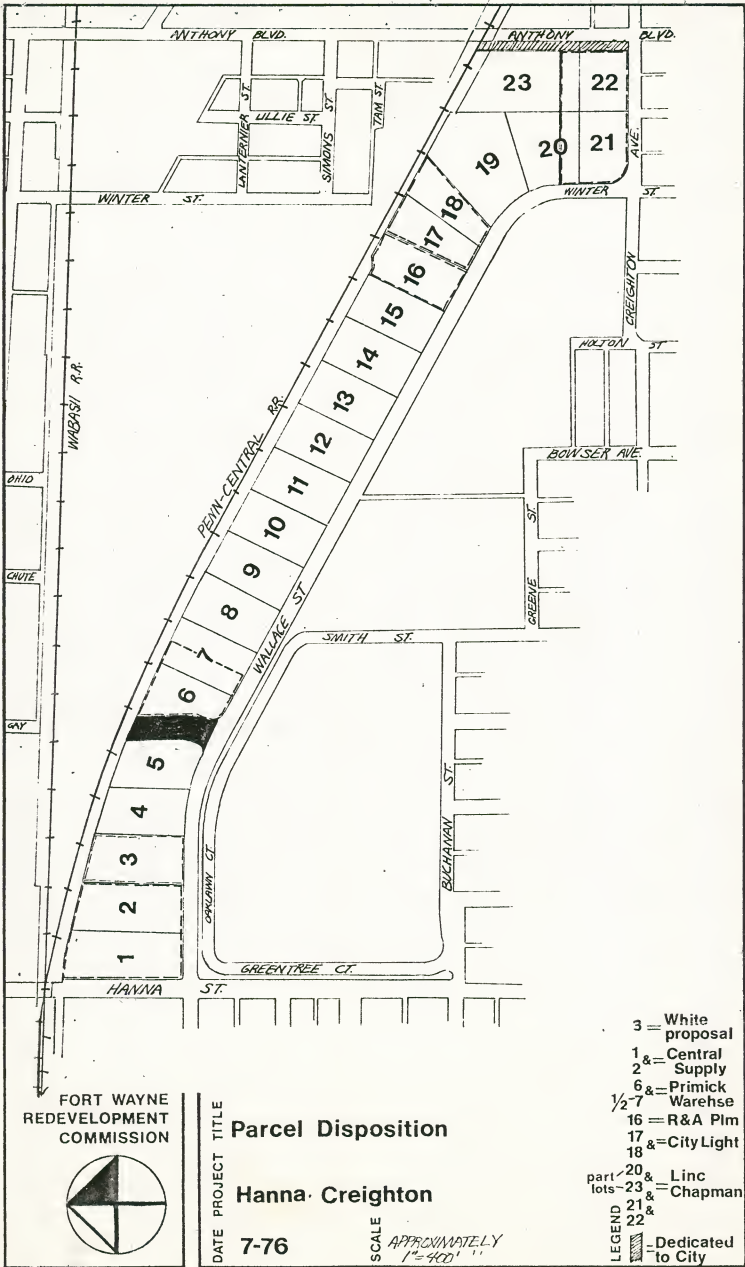
Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

*Gary F. Baeten* (pb)  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments



DISTRIBUTION EASEMENT  
Indiv. & Corp.  
Overhead & Underground

(A 12-R 911)

W.O. No. 736-8072-00-0306

Eas. No. \_\_\_\_\_ Map No. \_\_\_\_\_

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
between CITY OF FORT WAYNE, DEPARTMENT OF REDEVELOPMENT

whose address is Allen County, in the State of Indiana

(hereinafter called "Grantor"), and INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana Corporation  
whose address is 2101 Spy Run Avenue, Fort Wayne, Indiana, (hereinafter called "Grantee").

WITNESSETH: That for One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee a right-of-way and easement for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the following described premises situated in Wayne Township, County of Allen, State of Indiana, and being a part of Section 12, Township 30 N, and Range 12 E, to-wit:

The west 50 feet of the north 180 feet of a part of vacated Gay Street lying between the Penn Central Railroad and Wallace Street in Hanna Creighton Sub-division, Section 2, to the City of Fort Wayne, Indiana.

Grantor certifies under oath that no Indiana gross income tax is due or payable at this time in respect to the transfer being made by this indenture.

TOGETHER with the right of ingress and egress to, from, and over said Premises, and also the right to cut or trim any trees and bushes which may endanger the safety or interfere with the construction and use of said power line.

Grantee shall promptly repair or replace all physical damages on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities.

It is agreed that the foregoing is the entire contract between the parties hereto and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

IN WITNESS WHEREOF, Grantor, ~~XXXXXX~~, has caused its corporate name and seal to be affixed by its duly authorized officers, the day first above written.

Signed, Sealed and Delivered in Presence of

*Julius A. Zickgraf*  
*Julius A. Zickgraf*  
3/31/53 Notary

CITY OF FORT WAYNE, DEPARTMENT OF REDEVELOPMENT

By: *Leonard M. Weinraub*  
Leonard M. Weinraub  
Redevelopment Commission, President

ATTEST:  
By: *Robert V. Hutner*  
Robert V. Hutner, Secretary

W.O. No. 736-8072-00-0306

Eas. No. \_\_\_\_\_, Map No. \_\_\_\_\_

George Primick, President

Rebecca K. Taylor

Deborah K. Taylor

06/07/82 Notary Republic

PETITION TO VACATE PORTION OF GAY STREET

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

THE BOARD OF PUBLIC WORKS  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission and the Board of Public Works to vacate the following public portion of street within the City of Fort Wayne, Indiana, and hereby described as follows:

Gay Street from the  
Northerly right-of-way  
of Wallace Street to the  
Penn-Central railroad

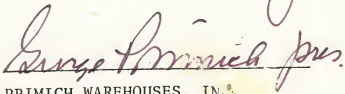
In support thereof, your petitioners would represent as follows:

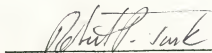
1. That they are the owners of the real estate abutting both sides of the street.
2. That the street is not necessary as ingress or egress to any other properties whatsoever.
3. That said street is unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
6. That said street lies within an urban renewal area.

Your petitioners file this petition pursuant to the authority granted in Burns Indiana Statutes Annotated, Section 53-744, in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 25<sup>th</sup> DAY OF January, 1979.

  
PRIMICH WAREHOUSES, INC.  
3460 Taft Street  
Gary, Indiana 46403

  
FORT WAYNE REDEVELOPMENT COMMISSION  
Room 830 City-County Building  
Fort Wayne, Indiana 46802

4457

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Street Vacation Ordinance *9-79-05-09.*

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Gay Street from the Northerly right-of-way of Wallace  
Street to the Penn Central Railroad.

EFFECT OF PASSAGE Property is now public right-of-way. Property will  
revert to adjacent property owners and be closed for public right-of-way.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_